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10/016,995	12/14/2001	Stefan Alfons Hepper	DE920000081US1	4982
7590	05/30/2006		EXAMINER	
David Aker 23 Southern Road Hartsdale, NY 10530			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,995

Applicant(s)

HEPPER ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the amendment filed 02/21/2006.
2. Claims 1, 7, 8, 10 were amended.
3. Claims 6 and 17 are canceled.
4. Claims 18 and 19 are newly added.
5. Claims 1-5, 7-16, 18 and 19 are pending in this office action.

### ***Response to Amendment***

6. The objection to claim 7 is withdrawn.
7. Applicants' arguments filed 02/21/2006 have been fully considered but they are not persuasive. See Response to Arguments.
8. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-5, 7-16, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,651,063 by Vorobiev (Vorobiev).

11. With respect to Claim 1, Vorobiev teaches a method for operating a computer system comprising:

having at least one content provider for providing content to a user (Col. 2 lines 57-59, Col. 3 lines 23-65, and Col. 6 lines 27-65) coupled via a portal which may also be coupled to a user (Col. 2 lines 55-56 and Col. 3 lines 23-65, and Col. 6 lines 27-65);

said at least one content provider offering a new content to the portal, said new content being any new feed or channel (Col. 3 lines 23-65, Col. 6 lines 27-65, and Col. 7 lines 8-26);

the portal comparing credentials of said at least one content provider with stored credentials of registered content providers (Col. 7 line 62 - Col. 8 line 10 and Col. 10 lines 10-31 and Col. 8 lines 23-65); and

the portal evaluating the new content, and the portal accepting or rejecting said new content (Col. 4 lines 13-27 and Col. 7 line 62 - Col. 8 line 10 and Col. 8 lines 23-65) of at least a particular provider included in said at least one content provider based on said stored credentials (Col. 7 line 62 - Col. 8 line 10 and Col. 10 lines 10-31).

12. With respect to Claim 2, Vorobiev teaches all the limitations of Claim 1 and further teaches offering said credentials of said at least one content provider to the portal together with the new content (Col. 7 line 62 - Col. 8 line 10 and Col. 6 lines 27-65).

13. With respect to Claim 3, Vorobiev teaches all the limitations of Claim 1 and further teaches storing said credentials of the registered content providers in a database of the portal (Col. 8 lines 23-65).

14. With respect to Claim 4, Vorobiev teaches all the limitations of Claim 1 and further teaches performing automatically said comparison of the credentials with an intelligent program having a rule database (Col. 7 line 62 - Col. 8 line 10 and Col. 8 lines 23-65).

15. With respect to Claim 5, Vorobiev teaches all the limitations of Claim 1 and further teaches performing manually said comparison of the credentials (Col. 7 lines 35-40 and Col. 8 lines 12-22).

16. With respect to Claim 7, Vorobiev teaches all the limitations of Claim 6 and further teaches the evaluation of the new content is performed semi-automatically or fully automatically (Col. 7 lines 35-40 and Col. 8 lines 12-65).

17. With respect to Claim 8, Vorobiev teaches all the limitations of Claim 6 and further teaches wherein the user is notified about the new content if the new content matches with preferences of the user (Col. 7 lines 27-40 and Col. 9 lines 28-60).

18. With respect to Claim 9, Claim 9 is rejected based on the same logic presented in the rejection of Claim 1 and further noting Col. 2 lines 17-21 and Col. 20 lines 7-13.

19. With respect to Claim 10, Vorobiev teaches a computer system comprising at least one content provider for providing content to a user (Col. 2 lines 57-59, Col. 3 lines 23-65, and Col. 6 lines 27-65) which is coupled to a portal which may be coupled to a user (Col. 2 lines 57-59, Col. 3 lines 23-65, and Col. 6 lines 27-65)

wherein said at least one content provider comprises means for offering a new content to the portal, said new content being any new feed or channel (Col. 3 lines 23-65, Col. 6 lines 27-65, and Col. 7 lines 8-26),

wherein the portal comprises means for comparing credentials of said at least one content provider with stored credentials of registered content providers (Col. 10 lines 10-31), and checking means for the portal to check the new content (Col. 7 line 62 - Col. 8 line 10 and Col. 8 lines 23-65), and

wherein the portal comprises means for accepting or rejecting said new content of said at least one content provider, based on a determination of said checking means (Col. 7 line 62 - Col. 8 line 10 and Col. 8 lines 23-65).

20. With respect to Claim 11, Vorobiev teaches all the limitations of Claim 10 and further teaches the portal comprises a database for registered content provider credentials (Col. 8 lines 23-65).

21. With respect to Claim 12, Vorobiev teaches all the limitations of Claim 10 and further teaches wherein said at least one content providers, the portal and the user are coupled via the Internet (Col. 6 lines 21-26).

22. With respect to Claim 13, Claim 13 is rejected based on the same logic presented in the rejection of Claim 1 and further noting Col. 2 lines 17-21 and Col. 20 lines 7-13.

23. With respect to Claim 14, Claim 14 is rejected based on the same logic presented in the rejection of Claim 2 and further noting Col. 2 lines 17-21 and Col. 20 lines 7-13.

24. With respect to Claim 15, Claim 15 is rejected based on the same logic presented in the rejection of Claim 10 and further noting Col. 2 lines 17-21 and Col. 20 lines 7-13.

25. With respect to Claim 16, Claim 16 is rejected based on the same logic presented in the rejection of Claim 11 and further noting Col. 2 lines 17-21 and Col. 20 lines 7-13.

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vorobiev in view of In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

28. With respect to Claims 18 and 19, Vorobiev further teaches registering at least one content provider (Col. 10 lines 10-31).

Vorobiev does not explicitly disclose automatically registering. However It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the registering automatic as it has been held that providing an automatic means that replaces a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art (In re Venner).

**Response to Arguments**

29. Applicants' arguments filed 02/21/2006 have been fully considered but they are not persuasive.

30. Applicants argue on page 7 of the remarks - *"Vorobiev does not teach or suggest at least one content provider offering a new content to the portal, the new content being any new feed or channel, the portal evaluating the new content, and the portal accepting or rejecting said new content of at least a particular provider included in said at least one content provider based on said stored credentials. In this regard reference is made to the general teachings and the abstract of Vorobiev, wherein a recipient (user) must supply categories of information of interest. Information from providers must be tagged with category information. In Vorobiev, if information outside of one of these categories is supplied by a provider, it is not clear that a user will ever receive the information.... This new feed or channel may have content completely outside any of the categories that much be identified by a user in Vorobiev. In fact Vorobiev teaches away from Applicants' invention because Vorobiev is dealing with categories supplied by users and not new feeds or channels of content providers or of a particular web site."*

a. Examiner's response - The claim language now states, "said new content being any new feed or channel". Applicants' arguments seem to be suggesting that such claim language excludes from scope, the use of information categories in providing new content as described in Vorobiev. The examiner disagrees as the claim language uses the word "any". Obviously, the use of the word "any" means that, in fact, the content may be all forms new feed or channel. In other words, taking into consideration applicants' interpretation of Vorobiev, this would include both new feeds or content outside of the identified categories as well as new feeds or content within the identified categories. As even stated by



Applicants, "This new feed or channel may have content completely outside any of the categories...". Just as the new feed or channel may have content completely outside any of the categories, it may not have content completely outside any of the categories. So even considering applicants' interpretation of Vorobiev, the new content of Vorobiev that is within identified categories is still within the scope of "any new feed or channel".

b. However, the examiner respectfully disagrees with the applicants' interpretation of Vorobiev. The examiner points to Col. 7 lines 8-26 of Vorobiev, which states "the system can be configured to only create a location 32 in a give Recipient's User Data Repository 28 for a particular category, "Category E" for example, when an Information Pack 28 is first delivered to that User Data Repository 28 with information pertaining to that category." Clearly, the user is not supplying a category as the category is created upon the first delivery of an Information Pack with information pertaining to that category. The examiner also notes that one purpose of the invention is to relieve the user of the burden of categorizing and to place that burden on the provider (Col. 2 lines 37-43). As such, applicants' interpretation of Vorobiev, particularly "*wherein a recipient (user) must supply categories of information of interest*" and "*categories that must be identified by a user*" appears to be incorrect.

c. Furthermore, the use of the transitional term "comprising" indicates the claim is open-ended and does not exclude additional, unrecited elements or steps (MPEP 2111.03). As such, the use of category information by the

providers in Vorobiev is not relevant, as the claim language does not explicitly exclude such subject matter.

d. For these reasons, applicants' arguments are not persuasive.

31. Applicants argue on page 8 of the remarks - "Claim 4 recites performing automatically said comparison of the credentials with an intelligent program having a rule database... There is no specific teaching or suggestion of an intelligent program having a rule database."

e. Examiner's response - Vorobiev teaches analysis programming and refusal information can be located either on the processing station (Col. 6 lines 47-53 and Col. 8 lines 23-36) or locally on the user's system (Col. 8 lines 37-50). The analysis of incoming content can determine whether or not newly received content should be accepted or rejected by the system (Col. 7 lines 62- Col. 8 line 10 and Col. 8 lines 23-36). This is done by performing an analysis on the providers' information and corresponding information related to refusal information and a user's instructions (Col. 8 lines 37-65). The examiner considers the refusal information and any user's instructions stored used in the "Analyze Information step 31 and Authorize Passage step 33" to be a rule database as such information forms rules for how the accepting and rejecting of new content should be handled. As the programming makes a decision based on provider information and the refusal information/user's instructions, the examiner considers such programming to be "intelligent". The examiner notes

that Applicants' specification does distinguish any specific meaning for the term "intelligent program". For these reasons, the examiner considers such analysis programming to be within the scope of "performing automatically said comparison of the credentials with an intelligent program having a rule database".

32. Applicants argue on page 8 of the remarks - "Claim 5 recites performing manually said comparison of the credentials. Again, the portion of Vorobiev cited by the Examiner (Column 10, lines 10-31) makes no reference to such act."

f. Examiner's response - The examiner notes that applicants' amendment places the focus of "accepting or rejecting" on the "new content" instead of a "particular provider". The examiner now cites Col. 7 lines 35-40 and Col. 8 lines 12-22, as these teaching relate to the accepting or rejecting of new content. Included in these teaches are the manual evaluation of a new content including provider information and details of the new content itself. The new content can then be accepted or rejected based on this evaluation. The examiner considers this to be within the scope of "performing manually said comparison of the credentials."

***Conclusion***

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro  
May 23, 2006



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